



General Assembly

January Session, 2009

**Amendment**

LCO No. 9398

**\*HB0667109398HDO\***

Offered by:  
REP. LAWLOR, 99<sup>th</sup> Dist.

To: Subst. House Bill No. 6671

File No. 781

Cal. No. 522

**"AN ACT CONCERNING THE FORFEITURE OF MONEY AND  
PROPERTY RELATED TO CHILD SEXUAL EXPLOITATION AND  
HUMAN TRAFFICKING AND THE POSSESSION OF CHILD  
PORNOGRAPHY."**

1 After the last section, add the following and renumber sections and  
2 internal references accordingly:

3 "Sec. 501. (*Effective from passage*) (a) The Risk Assessment Board  
4 established under section 54-259a of the general statutes, as amended  
5 by this act, shall (1) make recommendations for establishing a process  
6 that would require persons convicted of a felony offense who are  
7 determined to be at risk of reoffending to register as a sexual offender  
8 under chapter 969 of the general statutes based on the nature and  
9 circumstances of the criminal incident and such person's prior offense  
10 history notwithstanding that the offense that such person stands  
11 convicted of does not require such registration, and (2) review any  
12 legislative revisions to the Adam Walsh Child Protection and Safety  
13 Act of 2006, P.L. 109-248, that may be adopted by the United States  
14 Congress and make recommendations with respect to actions that this

15 state should take in order to be in compliance with the requirements of  
16 such revised act and establish an effective sexual offender registration  
17 and notification system.

18 (b) Not later than February 3, 2010, the board shall report its  
19 recommendations to the joint standing committee of the General  
20 Assembly on the judiciary in accordance with the provisions of section  
21 11-4a of the general statutes.

22 Sec. 502. Subsection (a) of section 54-259a of the general statutes is  
23 repealed and the following is substituted in lieu thereof (*Effective July*  
24 *1, 2009*):

25 (a) There is established a Risk Assessment Board consisting of the  
26 Commissioner of Correction, the Commissioner of Mental Health and  
27 Addiction Services, the Commissioner of Public Safety, the Chief  
28 State's Attorney, the Chief Public Defender, the chairperson of the  
29 Board of Pardons and Paroles [ ] and the executive director of the  
30 Court Support Services Division of the Judicial Department, [and the  
31 chairpersons and ranking members of the joint standing committees of  
32 the General Assembly having cognizance of matters relating to the  
33 judiciary and public safety,] or their designees, a victim advocate with  
34 experience working with sexual assault victims and sexual offenders  
35 appointed by the Governor, a forensic psychiatrist with experience in  
36 the treatment of sexual offenders appointed by the Governor and a  
37 person trained in the identification, assessment and treatment of sexual  
38 offenders appointed by the Governor.

39 Sec. 503. (NEW) (*Effective October 1, 2009*) (a) There is established a  
40 Connecticut Sentencing Commission which shall be within the Office  
41 of Policy and Management for administrative purposes only.

42 (b) The mission of the commission shall be to review the existing  
43 criminal sentencing structure in the state and any proposed changes  
44 thereto, including existing statutes, proposed legislation and existing  
45 and proposed sentencing policies and practices and make  
46 recommendations to the Governor, the General Assembly and

47 appropriate criminal justice agencies.

48 (c) In fulfilling its mission, the commission shall be mindful that the  
49 primary purpose of sentencing in this state is to enhance public safety  
50 while holding the offender accountable to the community. Sentencing  
51 should reflect the seriousness of the offense and be proportional to the  
52 harm to victims and the community, utilizing the most appropriate  
53 sanctions available, including incarceration, community punishment  
54 and supervision. Sentencing should have as an overriding goal the  
55 reduction of criminal activity, the imposition of just punishment and  
56 the provision of meaningful and effective rehabilitation and  
57 reintegration of the offender. Sentences should be fair, just and  
58 equitable while promoting respect for the law.

59 (d) The commission shall be composed of the following members:

60 (1) Eight persons appointed one each by: (A) The Governor, (B) the  
61 Chief Justice of the Supreme Court, (C) the president pro tempore of  
62 the Senate, (D) the speaker of the House of Representatives, (E) the  
63 majority leader of the Senate, (F) the majority leader of the House of  
64 Representatives, (G) the minority leader of the Senate, and (H) the  
65 minority leader of the House of Representatives, all of whom shall  
66 serve for a term of four years;

67 (2) Two judges appointed by the Chief Justice of the Supreme Court,  
68 one of whom shall serve for a term of one year and one of whom shall  
69 serve for a term of three years;

70 (3) One representative of the Court Support Services Division of the  
71 Judicial Branch appointed by the Chief Justice of the Supreme Court,  
72 who shall serve for a term of two years;

73 (4) The Commissioner of Correction, who shall serve for a term  
74 coterminous with his or her term of office;

75 (5) The Chief State's Attorney, who shall serve for a term  
76 coterminous with his or her term of office;

77 (6) The Chief Public Defender, who shall serve for a term  
78 coterminous with his or her term of office;

79 (7) One state's attorney appointed by the Chief State's Attorney,  
80 who shall serve for a term of three years;

81 (8) One member of the criminal defense bar appointed by the  
82 president of the Connecticut Criminal Defense Lawyers Association,  
83 who shall serve for a term of three years;

84 (9) The Victim Advocate, who shall serve for a term coterminous  
85 with his or her term of office;

86 (10) The chairperson of the Board of Pardons and Paroles, who shall  
87 serve for a term coterminous with his or her term of office;

88 (11) The Commissioner of Public Safety, who shall serve for a term  
89 coterminous with his or her term of office;

90 (12) A municipal police chief appointed by the president of the  
91 Connecticut Police Chiefs Association, who shall serve for a term of  
92 two years;

93 (13) The Commissioner of Mental Health and Addiction Services,  
94 who shall serve for a term coterminous with his or her term of office;

95 (14) The undersecretary of the Criminal Justice Policy and Planning  
96 Division within the Office of Policy and Management, who shall serve  
97 for a term coterminous with his or her term of office; and

98 (15) An active or retired judge appointed by the Chief Justice of the  
99 Supreme Court, who shall serve as chairperson of the commission and  
100 serve for a term of four years.

101 (e) The commission shall elect a vice-chairperson from among the  
102 membership. Appointed members of the commission shall serve for  
103 the term specified in subsection (d) of this section and may be  
104 reappointed. Any vacancy in the appointed membership of the

105 commission shall be filled by the appointing authority for the  
106 unexpired portion of the term.

107 (f) The commission shall:

108 (1) Facilitate the development and maintenance of a state-wide  
109 sentencing database in collaboration with existing state and local  
110 agencies;

111 (2) Evaluate current sentencing statutes, policies and practices  
112 including conducting a cost-benefit analysis;

113 (3) Conduct sentencing trends analyses and studies and prepare  
114 offender profiles;

115 (4) Provide training regarding sentencing and related issues,  
116 policies and practices;

117 (5) Act as a sentencing policy resource for the state;

118 (6) Preserve judicial discretion and provide for individualized  
119 sentencing;

120 (7) Evaluate the impact of pre-trial, sentencing diversion,  
121 incarceration and post-release supervision programs;

122 (8) Perform fiscal impact analyses on selected proposed criminal  
123 justice legislation; and

124 (9) Identify potential areas of sentencing disparity relevant to racial,  
125 ethnic, gender and socioeconomic status.

126 (g) Upon completion of the state-wide sentencing database  
127 provided in subdivision (1) of subsection (f) of this section, the  
128 commission shall review criminal justice legislation as requested and  
129 as resources allow.

130 (h) The commission shall make recommendations concerning  
131 criminal justice legislation, including proposed modifications thereto,

132 to the joint standing committee of the General Assembly having  
133 cognizance of matters relating to the judiciary which shall hold a  
134 hearing thereon.

135 (i) The commission shall have access to confidential information  
136 received by sentencing courts and the Board of Pardons and Paroles  
137 including, but not limited to, arrest data, criminal history records,  
138 medical records and other nonconviction information.

139 (j) The commission shall obtain full and complete information with  
140 respect to programs and other activities and operations of the state.

141 (k) The commission may request any office, department, board,  
142 commission or other agency of the state or any political subdivision of  
143 the state to supply such records, information and assistance as may be  
144 necessary or appropriate in order for the commission to carry out its  
145 duties. Each officer or employee of such office, department, board,  
146 commission or other agency of the state or any political subdivision of  
147 the state is authorized and directed to cooperate with the commission  
148 and to furnish such records, information and assistance.

149 (l) Any records or information supplied to the commission that is  
150 confidential in accordance with any provision of the general statutes  
151 shall remain confidential while in the custody of the commission and  
152 shall not be disclosed. Any penalty for the disclosure of such records  
153 or information applicable to the officials, employees and authorized  
154 representatives of the office, department, board, commission or other  
155 agency of the state or any political subdivision of the state that  
156 supplied such records or information shall apply in the same manner  
157 and to the same extent to the members, staff and authorized  
158 representatives of the commission.

159 (m) The commission shall be deemed to be a criminal justice agency  
160 as defined in subsection (b) of section 54-142g of the general statutes.

161 (n) The commission shall meet at least once during each calendar  
162 quarter and at such other times as the chairperson deems necessary.

163       (o) Not later than January 15, 2010, and annually thereafter, the  
164       commission shall submit a report, in accordance with the provisions of  
165       section 11-4a of the general statutes, to the Governor, the General  
166       Assembly and the Chief Justice of the Supreme Court."